

EXHIBIT 1



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)
)
USA COMMERCIAL MORTGAGE)
COMPANY,)
)
USA CAPITAL REALTY ADVISORS,)
LLC,)
)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC,)
)
USA CAPITAL FIRST TRUST DEED)
FUND, LLC,)
)
USA SECURITIES, LLC,)
Debtors.)

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING SEVENTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-01431
FILED BY BARTKOWSKI FAMILY TRUST, PROOF OF CLAIM 10725-01551
FILED BY JAYEM FAMILY LP AND PROOF OF CLAIM 10725-01554 FILED BY
CAROLE TALAN**

The USACM Liquidating Trust (the “USACM Trust”) filed its Seventh Omnibus Objection to Claims for Lack of Documentation [DE 5369] (the “Objection”) on November 19, 2007. Appropriate notice of the Objection was given. Responses to the Objection were raised as follows:

- On December 4, 2007, Bartkowski Family Trust (“Bartkowski Trust”) provided documentation to support Proof of Claim No. 10725-01431. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5511]. The Bartkowski Trust’s claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Jayem Family Trust (“Jayem Trust”) provided documentation to support Proof of Claim No. 10725-01551. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5513]. The Jayem Trust’s claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Carole Talan (“Talan”) provided documentation to support the Proof of Claim No. 10725-01554. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5512]. Talan’s claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

1 ORDERED:

2 • Sustaining the USACM Trust's Seventh Omnibus Objection to Claims for
3 Lack of Documentation except to the extent the USACM Trust has withdrawn that
4 objection; and

5 • Disallowing the Proofs of Claim listed on the attached Exhibit A without
6 prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a
7 particular loan.

8 ###

9 PREPARED AND SUBMITTED:

10 LEWIS AND ROCA LLP

11 By: /s/ RC (#0006593)

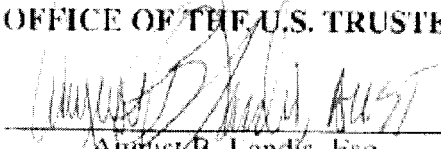
12 Susan M. Freeman

13 Rob Charles

Attorneys for USACM Liquidating Trust

14 APPROVED:

15 OFFICE OF THE U.S. TRUSTEE

16 
17 August B. Landis, Esq.

18 Scott A. Farrow, Esq.

19 300 Las Vegas Boulevard, Suite 4300

20 Las Vegas, NV 89101
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1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
4 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
- 5 ☒ approved the form of this order;
- 6 ☐ waived the right to review the order;
- 7 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 8 ☐ failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).
- 9 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
10 parties who appeared at the hearing regarding this matter and/or who filed a
written objection and all have either approved the form of this order, waived the
11 right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 12 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

13 **LEWIS AND ROCA LLP**

14 By: /s/ RC (#0006593)
15 Susan M. Freeman
16 Rob Charles
Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING SEVENTH OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Di Jorio, Richard 856 Nonie Street Santa Rosa, California 95403	10725-01475	11/20/06	\$50,000.00
Ayers, C. Donald P.O. Box 605 Islamorada, Florida 33036-0605	10725-01491	11/27/06	\$12,951.80
Lily Markham & Irene Anne Markham-Tafoya JT WROS 7746 Foredawn Drive Las Vegas, Nevada 89123	10725-01521	11/29/06	\$30,000.00
Huff, Charles E. & Vana J. 3426 Pino Circle Las Vegas, Nevada 89121-4027	10725-01550	12/7/06	\$104,746.00
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01556	12/6/06	\$30,000.00
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01557	12/6/06	\$32,000.00
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01558	12/6/06	\$25,000.00

EXHIBIT A